



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/813,235

03/19/2001

Franklin Goodhue Woodward

WVANP012

3417

34071

7590

05/01/2006

IPVENTURE, INC.
5150 EL CAMINO REAL
SUITE A-22
LOS ALTOS, CA 94022

EXAMINER

JASMIN, LYNDIA C

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/813,235	Applicant(s) WOODWARD ET AL.	
	Examiner Lynda Jasmin	Art Unit 3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-29, 61-68, 72-77 and 91-107 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 72 and 96-107 is/are allowed.
6) ☒ Claim(s) 23-29, 61-68 and 73-77, 91-95 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Amendment received March 28, 2006 has been acknowledged.

Claim Rejections - 35 USC § 101

2. Claims 23-29, 62-68, 73-77 and 91-95 are rejected under 35 U.S.C. 101 because claim 23 does not produce a real world result. To be tangible the claim must recite more than a § 101 judicial exception, in that the process claim must set forth a practical application of that § 101 judicial exception to produce a real-world result. If the result is merely a thought, this is not a tangible or real-world result. In this case taking action to prevent the customer from adding the regulated item to an electronic shopping cart, which includes within its scope passive action, which is not a tangible result.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23-29, 61-68, 73-77 and 91-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al (6,505,171) in view of Tracy et al. (5,979,757).

Cohen discloses a computer-implemented method and system for implementing electronic commerce transactions via a data network (32) comprising: a regulated item selected by a customer (via one or more categories of goods not excluding alcoholic

Art Unit: 3627

products or adult material products); the regulated item corresponding to an item which satisfies one or more predetermined criteria, the one or more predetermined criteria indicating at least that the item is subject to one or more regulations (via description of items that falls under prohibited category); taking action to prevent the purchase of the regulated item via the data network by the customer (by sending a message to the consumer) wherein said taking action is automatically implemented at a server system (via an administrative server 52) configured to implement electronic commerce transactions between an on-line merchant and the customer, the regulated item being part of an on-line order from the customer with the on-line merchant (col. 13, lines 12-17); wherein the taking action comprises taking action to prevent the customer from adding the regulated item to an electronic shopping cart associated with the customer (via prompting to the consumer that prohibited goods have been selected during the actual purchasing transaction), the preventing from adding the regulated item to the electronic shopping cart being based on the one or more predetermined criteria (such as a users record).

However, Cohen et al. fails to explicitly disclose the on-line order also having information from the customer regarding a delivery time for the order; and preventing from adding the regulated item to the electronic shopping cart being based delivery time.

Tracy discloses a checkout system that automatically prohibits the sale of items during specific days (via alcoholic beverages not sold on Sundays). Tracy further discloses that the regulated item corresponds to a class of regulated products (such as

alcoholic beverage). Tracy also discloses that the one or more predetermined criteria correspond to restrict sales to persons under minimum age (col. 13, line 57 through col. 14, line 2). Tracy further discloses that it is preferred that the customer includes a delivery time window and location in their delivery requests.

Thus, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the purchase of regulated items such as alcoholic products of Cohen to include the informing that selected item is a restricted item and cannot be purchased by the customer at that time as taught by Tracy et al. in order to ensure that the system complies with existing laws.

Allowable Subject Matter

5. Claims 72 and 96-107 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter: The prior art made of record fails to explicitly disclose or suggest taking action to remove the regulated item from an electronic shopping cart associated with the customer in combination with the removal of the regulated item from the electronic shopping cart being based on one or more criteria and the delivery time, as recited in claims 72 and 101.
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. O'Connor et al. discloses a computer-readable memory may include copy-prevention code that prevents duplication of an authorization signal code. The authorization signal code may be original authorization signal code and the copy-


Art Unit: 3627

prevention code may cause an attempted copying of the original authorization code to create new authorization signal code that is different from the original authorization signal code. The computer program product may include alteration code that disables the authorization signal code if a copy of the authorization signal code is attempted to be made.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lynda Jasmin
Primary Examiner
Art Unit 3627